

EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

* DECLARATION OF EMERGENCY *
HORSESHOE TWO FIRE & MONUMENT FIRE EMERGENCY

[M11-225]

WHEREAS, two wildfires are blazing in Cochise County, the first fire, the "Horseshoe Two Fire," broke out in the Chiricahua Mountains on May 8, 2011 and a second blaze, the "Monument Fire," began in the Coronado National Memorial/Coronado National Forest on June 12, 2011; and

WHEREAS, the fires combined have currently consumed over 200,000 acres and 65 structures, 40 of which are residential homes; and

WHEREAS, the fires continue burning uncontrolled at this time and are currently threatening additional homes, businesses and public infrastructure; and

WHEREAS, federal, state and local fire suppression resources have responded and are currently working to suppress the fires; and

WHEREAS, the Arizona State Forestry Division received Fire Management Assistance Grants from the Federal Emergency Management Agency on May 9, 2011 for the Horseshoe Two Fire and on June 12, 2011 for Monument Fire. These federal grants will support the reimbursement of costs associated with the fire suppression directed by the Incident Management Teams and emergency protective measures and response efforts conducted by county and state agencies; and

WHEREAS, funding allocated by this declaration is to support costs not covered by the Fire Management Assistance Grants and/or for necessary post-fire recovery support; and

WHEREAS, this declaration also provides the Arizona Department of Health Services with the authority to issue temporary waivers to affected Cochise County medical facilities for matters including facility operating hours and staffing ratios; and

WHEREAS, all event costs associated with the suppression and emergency responses to date are supported by the Fire Management Assistance Grants; and

WHEREAS, all state agencies will provide resources to support this event upon request of the Arizona State Forestry Division, impacted counties and/or the Arizona Division of Emergency Management; and

WHEREAS, the Governor is authorized to declare an emergency pursuant to A.R.S. § 26.303(D); and

WHEREAS, the Legislature has authorized the expenditure of funds in an event of an emergency pursuant to A.R.S. § 35-192;

NOW, THEREFORE, I, Janice Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine that the Horseshoe Two and Monument Fires justifies a declaration of a State of Emergency, pursuant to A.R.S. § 26.303(D), and I do hereby:

- a. Declare that a State of Emergency exists in Cochise Counties due to the Horseshoe Two and Monument Fires, effective June 12, 2011 and continuing; and
- b. Direct that the sum of \$100,000 from the general fund be made available to the Director of the Arizona Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, and Executive Order 79-4; and
- c. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control state and

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- other assets and authorize the Director of the Arizona Division of Emergency Management to coordinate state assets; and
- d. Authorize the Adjutant General to mobilize and call to activate all or such part of the Arizona National Guard as is determined necessary to assist in the protection of life and property throughout the State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this seventeenth day of June in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

* **TEEN LIFELINE DAY** *

[M11-212]

WHEREAS, suicide is the third leading cause of death in Arizona with nearly 26,400 teens attempting suicide each year; and

WHEREAS, over the past 25 years, Arizona has seen a decrease in teen suicide, moving from the 2nd highest rate to the 9th highest rate in the nation; and

WHEREAS, Teen Lifeline has helped more than 500,000 teens and families since 1986; and

WHEREAS, Teen Lifeline has trained over 700 Arizona adolescents in Life Skills Development as Peer Counselors who have contributed more than 255,000 hours of community service with the hotline and taking more than 6,000 calls per year to assist other teens in making healthy decisions under the supervision of Master's-level mental health clinicians; and

WHEREAS, there is still much work to be done in providing teens the tools and information to deal with the emotional challenges they face every day; and

WHEREAS, June 2, 2011 has been selected for this display of appreciation and celebration of Teen Lifeline's 25th Anniversary as a valued part of Arizona's non-profit community.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim June 2, 2011 as

* **TEEN LIFELINE DAY** *

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-seventh day of May in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

* **PROCLAMATION IN SUPPORT OF SUPER BOWL XLIX** *

[M11-210]

WHEREAS, the National Football League (the "League") owns, produces and controls the annual professional football championship game known as the "Super Bowl", NFL Properties LLC ("NFLP" or, together with the League, the "NFL") owns, produces and controls the "NFL Experience", and along with other NFL Affiliates owns, produces and controls certain other events ("Official Events") associated with the Super Bowl; and

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WHEREAS, the State of Arizona has within its jurisdiction facilities and their premises, access roads, thoroughfares and other areas which may be used for the purposes of organizing, financing, promoting, accommodating, staging, and conducting Super Bowl XLIX and its related Official Events and activities; and

WHEREAS, hosting the Super Bowl and Official Events will generate goodwill, enhance the worldwide renown and prestige of the State of Arizona, create temporary jobs and create substantial beneficial economic and fiscal activity; and

WHEREAS, the NFL has requested a declaration of support from the State of Arizona and certain guarantees concerning the performance of reasonably necessary governmental services in connection with the Super Bowl and related Official Events as part of the formal bid made by the State of Arizona to be designated as a site for Super Bowl XLIX; and

WHEREAS, upon designation of Arizona as a site for Super Bowl XLIX, and at times thereafter until one week after Super Bowl XLIX has been played, the State of Arizona, and its agencies, departments and personnel, agree to provide governmental services (including public safety, security, fire and medical emergency, traffic, decorative display and public works/street maintenance services and supplies) reasonably necessary to the success of Super Bowl XLIX and related Official Events within its jurisdiction, including all planning, training or deployment activities related to the provision of such services, all at no cost, expense, or liability to the NFL or the two participating Teams; and

WHEREAS, the State of Arizona agrees that neither the NFL, the Teams, nor any director, shareholder, officer, agent, employee or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the governmental services planned/or provided relating to Super Bowl XLIX and related Official Events; and

WHEREAS, the State of Arizona further agrees that it shall not authorize any conflicting sponsorships of the State of Arizona during the two weeks prior to, through the week following, Super Bowl XLIX and related Official Events; and

WHEREAS, the State of Arizona further agrees to assist local government efforts to address Super Bowl requirements including prohibitions regarding unauthorized Super Bowl promotional activities.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby declare that the State of Arizona welcomes Super Bowl XLIX and related Official Events to its jurisdiction, and to that end, declare its full support of the efforts of Arizona Super Bowl Host Committee to have Arizona selected as the site for Super Bowl XLIX in this

*** PROCLAMATION IN SUPPORT OF SUPER BOWL XLIX ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirty-first day of May in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

*** PROSTATE CANCER AWARENESS MONTH ***

[M11-209]

WHEREAS, prostate cancer is caused by cells growing abnormally in the prostate, which is a male sex gland located underneath the bladder, surrounding the urethra; and

WHEREAS, prostate cancer is the second most common cancer in American men and 70 percent of those diagnosed are men 65 years of age or older; and

WHEREAS, the State of Arizona has averaged over 3,500 prostate cancer diagnosis per year, and over 550 deaths from prostate cancer per year; and

WHEREAS, nearly 75 men in the United States die from prostate cancer every day and African American men have the highest rates of prostate cancer in the world; and

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WHEREAS, there are no noticeable symptoms or signs of prostate cancer in the early stages of the disease, making screening crucial to increasing the chances of surviving more than 5 years to nearly 100 percent; and

WHEREAS, all men are at risk of having prostate cancer and are at a higher risk with factors including a history of prostate cancer in the family; heavy alcoholic drinking, not exercising, and poor diet; a history of STD's; and being 50 years of age or older; and

WHEREAS, ongoing medical research promises further advancements in prostate cancer prevention, early detection, and treatments; and

WHEREAS, educating people, including health care providers, about prostate cancer and early detection strategies is important to saving the lives of men and preserving and protecting families.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the month of September 2011 as

*** PROSTATE CANCER AWARENESS MONTH ***

and encourage all men in the State of Arizona to become aware of the risks of prostate cancer, talk to their health care providers, and whenever appropriate, get screened for this disease.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirty-first day of May in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on June 30, 2011 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

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NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rule making action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State